



MEMO ENDORSED

USDC SDNY
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December 18, 2007

BY HAND DELIVERY

Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl St., Room 650
New York, New York 10007

Re: Jermaine Haythe v. City of New York, et al., 07 Civ. 8349 (RMB)(MHD)¹

Your Honor:

Application Granted
ON consent.

New York, et al., 07 Civ. 8349 (RMB)(MHD)¹
SO ORDERED:
Date: 12/19/07 Richard M. Berman
Richard M. Berman, U.S.D.J.

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that the Court allow defendants City of New York and Martin Horn to file an answer to plaintiff's amended complaint in lieu of filing an answer to the original complaint, which was filed with the Court on or about September 25, 2007.²

As background, by Order dated October 11, 2007, the Court granted defendants' request for an enlargement of time to answer or otherwise respond to the complaint to and including December 18, 2007. Subsequently, this Office received a copy of a proposed amended complaint and a proposed Stipulation and Order to Amend the Complaint from plaintiff's counsel, Michael O. Hueston, Esq. Today, this Office executed and returned the proposed Stipulation to Amend the Complaint to plaintiff's counsel. I anticipate that plaintiff's counsel will file the stipulation and amended complaint with the Court shortly. Accordingly, defendants City and Martin Horn respectfully request that the Court allow them to refrain from answering the original complaint and respond only to the amended complaint in this action once it is filed with Court and served on them by plaintiff's counsel.

Plaintiff's counsel, Michael O. Hueston, Esq., has informed this Office that he takes no position with respect to this request.

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

² A check of the docket sheet indicates that affidavits of service of the summons and complaint have not been filed with respect to the individuals identified in the caption of the complaint as “Correction Officer Law” and “Correction Officer Morgan,” nor have these individuals requested representation from this office.

I thank Your Honor for considering this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sabrina Tann', written in a cursive style.

Sabrina Tann (ST 2552)
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